THE HON'BLE MR. JUSTICE V.V.S. RAO

WEDNESDAY, THE 28TH DAY OF DECEMBER, 2005

W.P.No. 27449 of 2005

Between:-

Mandavalli Surya Prasad

--Petitioner

And

The Government of Andhra Pradesh rep., by its Secretary, Endowments Department, Secretariat Building, Hyderabad and three others.

--Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.27449 of 2005

ORDER:

The petitioner is resident of Dwaraka Tirumala. He is aggrieved by the action of the fourth respondent in issuing notices under Sections 9(3) and 10 of Land Acquisition Act, 1894 (the Act, for brevity) and therefore, invoked the jurisdiction of this Court to declare the same as illegal and for an order setting aside the same.

It is the case of the petitioner that the respondents issued a notification under Section 4(1) of the Act proposing to acquire Acs.0.49½ of the land in various subdivisions of survey No.45 including the land admeasuring Acs.0.06 belonging to the petitioner for the purpose of developing Sri Venkateswara Swamy Devasthanam, Dwaraka Tirumala. By the said notification, enquiry under Section 5-A of the Act was dispensed with. The petitioner and others challenged the notification by filing various writ petitions being W.P.No.5784 of 2004 and batch. By a common order dated 29.8.2005, this Court disposed of the batch of writ petitions directing the Land Acquisition Officer to conduct enquiry under Section 5-A of the Act in accordance with law. It is the case of the petitioner that thereafter the enquiry under Section 5-A of the Act was not completed, but the fourth respondent issued notices in Form-7 under Sections 9(3) and 10 of the Act, which is illegal.

The matter was initially listed on 26.12.2005. The matter was adjourned to enable the learned Assistant Government Pleader for Revenue (Land Acquisition) to get instructions in the matter. After getting instructions in the matter, the learned Assistant Government Pleader submits that the enquiry under Section 5-A of the Act, as directed by this Court, is still pending and that in view of the same, the declaration under Section 6(1) of the Act was not issued. He, therefore, does not dispute the illegality in issuing the notices under Sections 9(3) and 10 of the Act impugned in the writ petition.

Therefore, this writ petition is allowed. The impugned notice is set aside. It shall however be open to the fourth respondent to complete the enquiry under Section 5-A

of the Act and proceed further in accordance with law. There shall be no order as to costs.

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(**V.V.S.RAO, J**)

December 28, 2005.

Pvks/*